

DATE 12 MAR 70PAGE 1

Approved For Release 2002/01/22 : CIA-RDP72-00337R000300010013-1

FULBRIGHT OFFERS LAOS RESOLUTION; NIXON CHALLENGED

**Senator Says President Has
No Authority to Engage
in Combat Operations**

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, March 11— Senator J. W. Fulbright, chairman of the Foreign Relations Committee, introduced a resolution today challenging President Nixon's authority to commit American troops or aircraft to combat in Laos.

The resolution would express the "sense of the Senate" that the President could not commit American forces to combat in or over Laos without "affirmative action" by Congress.

The resolution would not be binding upon the President nor would it inhibit him from taking any military action in Laos. It may become a focal point, however, for a concerted Senate attack upon the Administration's policies in Laos.

[In Vientiane, Maj. Gen. Vang Pao, commander of the American-sponsored clandestine army fighting the Communist forces, was reportedly reported to have asked the Laotian Premier, Prince Souvanna Phouma, to consider evacuating the entire civilian from the northern region that is his stronghold. The step was reportedly intended as preparation for the general's defense of his headquarters.

Page 3.]

Mr. Fulbright's resolution will be referred to the Foreign Relations Committee, where, as chairman, he will be able to press for approval.

Sees Surrender of Power

In a speech on introducing the resolution, Senator Fulbright declared:

"The Senate must not remain silent now while the President uses the armed forces of the United States to fight an undeclared and undisclosed war in Laos.

"Acquiescence now in even a limited use of air power in Laos will mean the Senate has surrendered one more legislative power to the executive."

In essence, the resolution presents a Constitutional challenge to the President, questioning his authority to commit forces to combat in Laos without the specific approval of Congress. At least by implication, the resolution suggests that the President has exceeded his constitutional authority in authorizing the use of American planes in combat over Laos.

"The President does not have

Continued on Page 2, Column 4

Continued from Page 1, Col. 3

authority, nor has Congress given him authority, to engage in combat operations in Laos, whether on the land, in the air or from the sea," the Senator declared.

In his policy statement on Laos last week, Mr. Nixon acknowledged that American planes were providing tactical air support to Royal Laotian forces. At the same time, the Administration has insisted that no American ground forces were engaged in combat in Laos and that none would be committed without the specific approval of Congress.

Senator Fulbright, however, dismissed as "specious" the efforts that have been made to distinguish between combat action in the air and combat action on the ground."

"If the President has authority to engage American air forces in a country with which we have no treaty or other obligation and without the approval of Congress," he said, "he has a similar authority to engage our ground combat forces.

"The Constitution is clear. It is the Congress which has the power to declare war and to make rules for the government and regulation of the land and naval forces of the United States.

"If the Senate is to remain silent while the President uses air forces in an Asian country. With his authority as Congress, we should remain silent about his use of ground combat forces."

In arguing that the President had no constitutional authority

to commit American planes to combat in the Laotian war, Senator Fulbright noted that the United States has "no treaty or other national commitment to the Government of Laos or to any faction in that country."

Nor, he continued, has Congress "granted authority to the President to wage war there." With his authority as commander in Chief of the armed forces, the President, the Senator acknowledged, has authority to dispatch American forces abroad, but he argued this was only for the purposes of protecting American citizens.

Approved For Release 2002/01/22 : CIA-RDP72-00337R000300010013-1